

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.
as Secretary to the Commission

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OPINION 523

Validation under the Plenary Powers of the emendation
to *Palaeophonus* of the generic name *Palaeophoneus*
Lindström & Thorell, 1884 (Class Arachnida)

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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*)
(16th December 1954)

OPINION 523

VALIDATION UNDER THE PLENARY POWERS OF THE EMENDATION TO "PALAEOPHONUS" OF THE GENERIC NAME "PALAEOPHONEUS" LINDSTRÖM & THORELL, 1884 (CLASS ARACHNIDA)

RULING :—(1) Under the Plenary Powers the emendation to *Palaeophonus* of the generic name *Palaeophoneus* Lindström & Thorell, 1884, is hereby validated.

(2) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1307 :—

Palaeophonus (emend. of *Palaeophoneus*) Lindström & Thorell, 1884 (gender : masculine) (type species, by monotypy : *Palaeophoneus* [sic] *nuncius* Lindström & Thorell, 1884) (Class Arachnida)

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1570 :—

nuncius Lindström & Thorell, 1884, as published in the combination *Palaeophoneus* [sic] *nuncius* (specific name of type species of *Palaeophonus* (emend. of *Palaeophoneus*) Lindström & Thorell, 1884)

(4) The under-mentioned generic name is hereby placed on the *Official Index of Rejected and Invalid*

Generic Names in Zoology with the Name Number 1202 :—

Palaeophoneus Lindström & Thorell, 1884, as suppressed under the Plenary Powers in (1) above (an Invalid Original Spelling for *Palaeophonus* Lindström & Thorell, 1884)

(5) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Number 246 :—

PALAEOPHONIDAE (correction of PALAEOPHONOIDAE) Thorell & Lindström, 1885 (type genus : *Palaeophonus* (emend. of *Palaeophoneus*) Lindström & Thorell, 1884)

(6) The under-mentioned family-group name is hereby placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* with the Name Number 280 :—

PALAEOPHONOIDAE Thorell & Lindström, 1885 (type genus : *Palaeophonus* (emend. of *Palaeophoneus*) Lindström & Thorell, 1884) (an Invalid Original Spelling for PALAEOPHONIDAE).

I. THE STATEMENT OF THE CASE

On 23rd September 1955 Professor Alexander Petrunkevitch (*Yale University, Osborn Zoological Laboratory, New Haven, Connecticut, U.S.A.*) submitted the following application in

which he asked that the International Commission should use its Plenary Powers for the purpose of validating the emendation to *Palaeophonus* of the generic name *Palaeophoneus* Lindström & Thorell, 1884 (Class Arachnida) :—

**Proposed use of the Plenary Powers to validate the universally accepted emendation “*Palaeophonus*” of the generic name “*Palaeophoneus*”
Lindstrom & Thorell, 1884 (Class Arachnida)**

By ALEXANDER PETRUNKEVITCH

(*Emeritus Professor of Zoology, Yale University, Osborn Zoological Laboratory, New Haven, Connecticut, U.S.A.*)

The purpose of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers to validate the universally used spelling *Palaeophonus* for the generic name originally published with the spelling *Palaeophoneus* by Lindström & Thorell in 1884 (*C.R. Acad. Sci.*, Paris **99** : 984) (Class Arachnida.) It would be of great assistance if the present application could be published in the *Bulletin of Zoological Nomenclature* at a very early date, as it is desired to refer to it in the chapter on fossil Arachnida in the forthcoming international *Treatise on Invertebrate Paleontology*. The facts of this case are set out below.

2. The present generic name with the spelling *Palaeophoneus* was published in a letter from Lindström to Milne Edwards (A.) dated “Stockholm, le 24 novembre, 1884” and entitled “Sur un Scorpion du terrain silurien de Suède”. In this letter, which gave particulars of a then forthcoming paper by Thorell and himself, Lindström, after giving an account of the new species, wrote :—“ce Scorpion que nous avons désigné sous le nom de *Palaeophoneus nuncius* . . .”. This preliminary note was published in the *C.R. Acad. Sci.*, Paris, on 1st December 1884.

3. This new species was next referred to in a notice which appeared in the issue of the *Glasgow Herald* on 19th December 1884. It appeared there with the correct spelling *Palaeophonus*.

4. In their main paper on this species, which was published in 1885 under the title “On a Silurian Scorpion from Gotland” (*K. svensk. Vetensk.-Akad. Handl.* (n.s.[4]) **21**(9) : 1—33, 1 pl.) Lindström & Thorell explained the circumstances in which they had given an advance

distribution of news of their discovery and expressly stated that the correct spelling of this name was *Paleophonus* and not *Palaeophoneus*. On the first of these points they wrote : " Owing to various hindrances no opportunity was found to make this discovery known before November the 12th 1884, when it was announced at the evening meeting of the Royal Academy of Sciences. A photograph, double the size of the original, was sent abroad to several museums and zoologists, after we had agreed jointly to undertake this memoir and had named the animal *Palaeophonus nuncius* " (: 7). On page 9 of the same paper the authors stated in a footnote (Footnote 2) : " The name of the genus should be written, as it is here, *Palaeophonus*, not *Palaeophoneus* ". On the original label attached to the type specimen of the type species of this genus (now in the Stockholm Museum), this generic name was correctly spelled as *Palaeophonus*.

5. The incorrect spelling *Palaeophoneus* has never been used, arachnologists having accepted the statement that the correct spelling is *Palaeophonus* published by the celebrated and highly respected authors in their paper of 1885. It would clearly create great confusion if an attempt were now to be made to reverse the practice of the last seventy years by bringing the incorrect spelling *Palaeophoneus* into use. It is for this reason that the Commission is now asked to use its Plenary Powers to validate existing practice by approving the spelling *Palaeophonus*. This is all the more desirable in the present case, since the emendation to *Palaeophonus* would have been valid under Article 19 if it had not been for the more rigorous conditions introduced by the Copenhagen Congress of 1953.

6. The genus *Palaeophonus* was established for the species represented by the single specimen known. This species was given the name *Palaeophoneus nuncius* at the same time that the generic name was published. No other specimen of this species has ever been found and no other name has ever been given to it. Neither Lindström in his letter nor Thorell & Lindström in their Memoir expressly stated that this species was the type species of the genus *Palaeophonus* but both treated it as such, there being at that time no other known species which could be regarded as congeneric with it. In any case the fact that this was the only nominal species cited on the occasion on which the generic name *Palaeophonus* was first published makes it automatically the type species of the genus so named by monotypy.

7. In the Memoir of 1885, Thorell & Lindström established (: 23) the family PALAEOPHONOIDAE for the single genus and species *Palaeophonus nuncius*. This form of the family name was corrected to PALAEOPHONIDAE by Fritsch (A.) in 1904 (*Palaeozoische Arachniden* : 63). In its corrected form this family name is now in universal use.

It should be noted that this family name should be attributed to Thorell & Lindström jointly and not to Lindström alone, for Lindström stated on page 2 of the Memoir "The third, fourth and fifth section of this paper are entirely by Prof. Thorell" and the family name was first mentioned in the second portion of the Memoir (: 9). The name in its corrected form should now be placed on the *Official List of Family-Group Names in Zoology*, the Invalid Original Spelling PALAEOPHONIDAE being at the same time placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology*.

8. The following request is accordingly submitted to the International Commission on Zoological Nomenclature, namely that it should :—

- (1) use its Plenary Powers to validate the spelling *Palaeophonus* for the generic name *Palaeophoneus* Lindström & Thorell, 1884, by suppressing the latter spelling ;
- (2) place the under-mentioned generic name on the *Official List of Generic Names in Zoology* : *Palaeophonus* (emendation of *Palaeophoneus*) Lindström & Thorell, 1884 (gender : masculine) (type species, by monotypy : *Palaeophoneus nuncius* Lindström & Thorell, 1884) ;
- (3) place the under-mentioned specific name on the *Official List of Specific Names in Zoology* : *nuncius* Lindström & Thorell, 1884, as published in the combination *Palaeophoneus nuncius* (specific name of type species of *Palaeophonus* Lindström & Thorell, 1884) ;
- (4) place the under-mentioned generic name on the *Official Index of Rejected and Invalid Generic Names in Zoology* : *Palaeophoneus* Lindström & Thorell, 1884, as suppressed under the Plenary Powers under (1) above (an Invalid Original Spelling for *Palaeophonus*) ;
- (5) place the under-mentioned family-group name on the *Official List of Family-Group Names in Zoology* : PALAEOPHONIDAE (correction of PALAEOPHONIDAE) Thorell & Lindström, 1885 (type genus : *Palaeophonus* (emend. of *Palaeophoneus*) Lindström & Thorell, 1884) ;
- (6) place the under-mentioned family-group name on the *Official Index of Rejected and Invalid Family Group-Names in Zoology* : PALAEOPHONIDAE Thorell & Lindström, 1885 (type genus : *Palaeophonus* (emend. of *Palaeophoneus*) Lindström & Thorell, 1884) (an Invalid Original Spelling for PALAEOPHONIDAE).

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Professor Pretrunkevitch's application the question of the validation to *Palaeophonius* of the spelling of the generic name *Palaeophoneus* Lindström & Thorell, 1884 (Class Arachnida) was allotted the Registered Number Z.N.(S.) 1010.

3. Publication of the present application : The present application was sent to the printer on 20th April 1956 and was published on 20th July of that year in Part 5 of Volume 12 of the *Bulletin of Zoological Nomenclature* (Petrunkevitch, 1956, *Bull. zool. Nomencl.* **12** : 153—155).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 20th July 1956 (a) in Part 5 of Volume 12 of the *Bulletin of Zoological Nomenclature* (the Part in which Professor Petrunkevitch's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given to four general zoological serial publications.

5. Support received from C. J. Stubblefield (Geological Survey and Museum, London) : On 17th August 1950 Dr. C. J. Stubblefield (*Geological Survey and Museum, London*) addressed the following note to the Office of the Commission in support of the present case (Stubblefield, 1956, *Bull. zool. Nomencl.* **12** : 256) :—

I support the proposal to validate the generally accepted spelling of the generic name *Palaeophonius* Lindström and Thorell, 1884, in the interests of stability of nomenclatorial usage.

6. No Objection Received : No objection to the action proposed in the present case was received from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

7. Issue of Voting Paper V.P.(57)18 : On 15th February 1957 a Voting Paper (V.P.(57)18) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the emendation to *Palaeophonus* of the generic name *Palaeophoneus* Lindström & Thorell, 1884, as set out in Points (1) to (6) in paragraph 8 on page 155 of Volume 12 of the *Bulletin of Zoological Nomenclature*" [i.e., in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

8. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 15th May 1957.

9. Particulars of the Voting on Voting Paper V.P.(57)18 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(57)18 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Boschma ; Mayr ; Lemche ; Hering ; Prantl ; Holthuis ;
Jaczewski ; Mertens ; Dymond ; Bonnet ; Vokes ;
Bodenheimer ; Bradley (J. C.) ; Key ; Riley ; Stoll ;
Esaki ; do Amaral ; Hemming ; Kühnelt ; Cabrera ;
Tortonese ; Sylvester-Bradley ; Miller ;

(b) *Negative Votes :*

None ;

(c) *Prevented from voting by interruption of postal communications consequent upon political disturbances, one (1) :*

Hankó ;

(d) *Voting Papers not returned :*

None.

10. Declaration of Result of Vote : On 16th May 1957, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(57)18, signed a Certificate that the Votes cast were as set out in paragraph 9 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

11. Preparation of the Ruling given in the present “ Opinion ” : On 19th March 1958 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(57)18.

12. Original References for Generic and Specific Names : The following are the original references for the generic and specific names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

nuncius, *Palaeophoneus* [sic], Lindström & Thorell, 1884, *C.R. Acad. Sci.*, Paris 99 : 984

Palaeophoneus Lindström & Thorell, 1884 (an Invalid Original Spelling for *Palaeophonus*)

Palaeophonus (emend. of *Palaeophoneus*) Lindström & Thorell, 1884, *C.R. Acad. Sci.*, Paris 99 : 984

13. Original References for Family-Group Names : The following are the original references for the family-group names placed by the Ruling given in the present *Opinion* upon the *Official List* and *Official Index* of names for taxa of the family-group category respectively :—

PALAEOPHONIDAE (correction of PALAEOPHONOIDAE) Thorell & Lindström, 1885, *K. svensk. Vetensk.-Akad. Handl.*, Stockholm (n.s.[4]) 21(9) : 9

PALAEOPHONOIDAE Thorell & Lindström, 1885 (an Invalid Original Spelling for PALAEOPHONIDAE).

14. Compliance with Prescribed Procedures : The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

15. "Opinion" Number : The present *Opinion* shall be known as *Opinion* Five Hundred and Twenty-Three (523) of the International Commission on Zoological Nomenclature.

DONE in London, this Nineteenth day of March, Nineteen Hundred and Fifty-Eight.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING